

Jay (John)

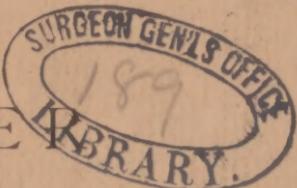
VISITATION OF CHARITIES.

THE OPINIONS OF HON. JOHN JAY.

A LETTER
LIBRARY.

ON THE

Position of the State Board of Charities toward the Bill
to give the State Charities Aid Association the
Right of Visitation.





VISITATION OF CHARITIES.

Hon. JOHN JAY has written the following letter to Miss SARAH M. CARPENTER, Commissioner of the State Charities for the Second Judicial District, concerning the bill now pending in the Legislature, which authorizes any Justice of the Supreme Court to empower persons named by the Aid Association to visit any public charity in his district for inspection of its workings:

MADAM.—During our recent official visit in West Chester, when we touched upon the question of the Aid Association, you did me the honor to say that you would be glad to know more fully the reasons why I had regretted the opposition of the State Board to the pending bill, and why, as a visitor of the State Board, I would welcome its passage as securing for us the most valuable assistance. I respond the more readily to your courtesy after reading your elaborate report on the numerous charities of the Second District, and I recall with pleasure the expression of your wish that the two bodies might work in harmony. There is evidently a misunderstanding somewhere, which seems to be shared by some members of the State Board, and I observe that the distinguished Editor of Harpers Weekly (April thirtieth), while declaring that “the assertion or implication that the State Board has been hostile to its volunteer ally, is wholly unfounded,” holds that the Board “has been remiss in not frankly stating the grounds of its opposition to the bill as it stood,” and adds “it has been placed but none the less unquestionably in a false position.”

Notwithstanding the amendment of the bill, it is reported that its passage still encounters the opposition of the State Board, and it certainly seems desirable and in accord with the high dignity of the State Board that, if it is not hostile to the Aid Association, the fact should be made clear; and

if it is opposing the pending bill, it should state with frankness and courtesy the grounds of its opposition, so that its objections may be fairly met and the bill amended as may be found desirable. It authorizes any justice of the Supreme Court to empower persons named by the Aid Association to visit, inspect and examine on its behalf during one year, with a view to the public benefit, any poor-house or alms-house within the judicial district of such justice; and it would seem that by the amended bill the Association is to report annually to the State Board the result of their visits, with suggestions—a provision that recognizes the official supremacy of the Board and secures for it the labors of its ally.

This plan of authorizing visitors through the judiciary has obtained for thirty years in the case of the Prison Association, and it applies also to institutions under the General Benevolent act. When the State Board declined any longer to appoint visitors nominated by the Aid Association, excepting on the conditions that they should not report elsewhere than to the State Board, nor publish the information acquired without its consent—a condition which tended to delay the correction of abuses which might be arrested by a prompt invocation of public opinion through the local press—that new rule led the Aid Association to ask that their visitors be authorized by the justices. The managers asked only the right to visit, uncoupled with any restriction on their use of the information thus obtained.

NO DANGER IN THE BILL.

Now, if the Aid Association, under this apparently harmless bill, is in fact to obtain power that will supersede and humiliate the State Board, and disable its members from the performance of their grave duties, it is proper that that fact should be made to appear. If our countrymen are clear in their right to visit, when and by whom they please, their own charities, if they view with disfavor all official attempts to limit the popular observation of the official management of such institutions, they are equally clear on the point that

there shall be no clashing of authority, no intrusion upon official powers, no interference with official rights and duties and responsibilities. Every official body and every individual official must be protected in his official right. On this point, in case the State Board shall think that the bill will curtail its powers, complicate and confuse the management of its trust, and arrest its efforts to correct abuses and establish reforms, it is eminently proper for it to show that these dangers are involved in the bill. Thus far this has not been done, and our most conservative people, those most interested in these matters, find no such danger in the bill. On the contrary, they demand, with singular unanimity the passage of the act, as a measure which will secure to the State Board of Charities a continuance of the aid which it has enjoyed in the past from the Aid Association, which the citizens insist has brought to their common work the best elements of society throughout the State, marked by character, culture, special training and large experience. They attribute to the Aid Association the skill, judiciousness and tact which only training and experience can give, with the added life, vigor and inspiration that are born of well-directed voluntary efforts.

The question, therefore, as it stands, you will observe is entirely distinct from that of the rule adopted by the State Board, which was forcibly sustained by the argument that the State Board was responsible for the acts and utterances of its own appointees and must, therefore, control them; and the Aid Association did not discredit that principle when it held in its turn that its own visitors should report to the association as the body on which rested the responsibility of their nomination.

NO RESPONSIBILITY ON THE STATE BOARD.

But the appointment of visitors for the Aid Association by the justices would impose no shadow of responsibility on the State Board. The new visitors would represent in their appointment neither the State Board nor any political body, but rather, as Mr. Choate said in his very able argument, which remains unanswered — his friends suggest for the reason

that it is perhaps unanswerable — they would represent the public eye, the public conscience and the public judgment. It is in this light, as an association devoted to the public good, having and asking no legal power save the right to see with no restriction on the right to speak, excellently instructed in the science of pauperism, and with its trained county committees, thirty-one in number, that the continued assistance of this body, with the right to visit, is regarded by the most thoughtful, conservative, cool-headed, practical men among us as an invaluable aid to the State Board in detecting abuses and suggesting improvements for the judicious and wholesome management of the State charities, with justice to the beneficiaries on the one hand and the taxpayers on the other. This is the view held by such accomplished statesmen and men of affairs as Governor Morgan, Mr. Belmont, Mr. Dodge and Mr. Hewitt, Mr. Peter Cooper, Mr. Astor and Mr. Vanderbilt, with bankers like John J. Cisco & Son, Morton, Bliss & Co., Brown Brothers & Co., Drexel, Morgan & Co., Seligman & Co.; great merchants and thorough managers like Royal Phelps, Samuel D. Babcock, Samuel B. Schieffelin, Jackson S. Schultz, Benjamin H. Field, Morris K. Jesup, Howard Potter, Samuel Sloan and E. S. Jaffray; jurists like the venerable Charles O'Conor, James Emott, George F. Talman, Theodore W. Dwight and Noah Davis; scientists like Drs. Egleston, Derby, Chandler, Dawson and Draper; men noted for their useful services to the public, philanthropy and art, like Frederick Law Olmstead, Charles L. Brace and John Taylor Johnston; with names long identified with the respectability of New York, like those of Stuyvesant, Gallatin, Goelet, Emmett, Cutting, Gracie, Kingsland, Kane, Hammersley, DeForrest, Bayard, Sands, Talmadge, Van Schaick, Lorillard, DeRham, Murray, Travers, Prime, Iselin, Edgar, LeRoy and Livingston; and lastly eminent divines versed in the philosophy and management of large charities, like Dr. Morgan, Dr. Henry C. Potter, Dr. Howard Crosby, Dr. John Hall and Dr. Morgan Dix.

While an indorsement of the pending bill by such names furnishes a sanction of the measures such as few legislative projects can boast, there are certain classes in our community whose opposition to any bill looking to a scrutiny of our State charities would excite small surprise.

Regret it as we may, our politics are not immaculate. The increasing power and wealth of the Republic offer temptations, and our political methods, with the engrossment of our people in private affairs, afford facilities which the skill of our politicians, intensified by the desire for wealth and power, have successfully devoted to the construction and perfection of political machinery by which power has been wrested from the people and transferred to the managers of the machine ; and popular government has been converted, as notably in this city, into a gigantic scheme of plunder. Hardly a place in the Nation has been too high for this corruption. At Washington it stained the lofty honor of the War Department, and national commissioners bore to Vienna, as their contribution to the culture of the age, the morals and methods of our political slums. Since we met have been disclosed the Post-office frauds that have been quietly hatched under the waprascal of hypocrisy, and to-day the people of New York, led by their physicians in solid phalanx, and demanding clean streets to avert threatening pestilence and an advancing death rate, are answered from Albany that the cleaning of their streets is a matter of patronage and votes. When such an answer can be given to such assemblages as gathered at the Cooper Institute and at Steinway and Chickering Halls, one need scarcely wonder that the rights of children and paupers are not always too sacredly regarded in regard to the moneys and the offices connected with the State charities, and included in the general plunder alluded to in the maxim, "To the victors belong the spoils" The improvement in our prisons, poor-houses and asylums from fearless and rigid inspection, as voluntary and unofficial as that of Howard, has been very great ; but we are still reminded how easily they might relapse into schools of brutality and vice, "through whose instrumentality the law itself was the principal teacher of the science of law-breaking."

SOME STATISTICS.

Although the statistics connected with the poor-houses and alms-houses, which alone the Aid Association asks the right to visit, as given in the interesting tables of the State Board for 1880, are small when compared with the total statistics, including Homes for the Friendless, Hospitals and Dispensaries, all of which are subject to visitation by the State Board. The number of persons relieved in the alms-houses and poor-houses during the last year was 137,777, including more than 5,000 insane persons, and besides idiots, epileptics, blind, deaf-mutes and children. The estimated value of their property was about \$6,000,000, and their expenditures for the year \$2,300,000. And probably many managers and spoils-politicians, excepting such as are sufficiently astute to mark the threatening aspect of public opinion, are opposed to the addition of volunteer visitors named by a body in whose appointment they had no choice, and among whom they may have no friends.

But why among the opponents of this bill should be arrayed the State Board, I confess I cannot understand, and its resolutions of January eleventh seem to render its opposition the more mysterious, and to recall Mr. Curtis' regret that it has placed itself in a false position. The resolutions, as reported, declared :

“That the proper execution of the duty devolved upon the Board is not compatible with the delegation of similar powers to other bodies, and more especially to private incorporations, self-perpetuating and irresponsible.”

Mr. Choate remarked of this clause that no terms could be more unhappily chosen to describe an association which devotes time and money for the public benefit, in revealing what is going on in charitable institutions, and which is dependent every hour on public opinion for its support. But is the proposition itself accurately stated and well founded? Do not the official powers of the State Board extend to many other State institutions and embrace wider

functions, and is not the alleged incompatibility of the proper execution of those powers with the right of the Aid Association "to visit, inspect and examine" the poor-houses and alms-houses a mistake? Do the character of these people of the Aid Association and the record of other laborers for the past eight years really justify these suggestions of interference and incompatibility?

The recent address of their special committee on the severance of their relations with the State Board, bearing the trusty names of Louisa Lee Schuyler, Abby Howland Woolsey, Theodore W. Dwight, Henry C. Potter, Florence Bayard Lockwood, Susan M. Van Amringe, Frederick Law Olmstead and Howard Potter, refers to the members of the Association as "men and women representing the best elements in their communities, of all religious sects and of both political parties, of recognized ability and purity of character, with the keenness of eyesight and freedom of motive which are most surely found in non-official organizations, using the local press, but always working within such well-devised restriction as cannot fail to make the volunteer system, and the publicity which is its necessary accompaniment, efficient for the public good."

A RECORD FREE FROM OFFENSE.

Their record seems equally free from offense to the authorities and from danger to the charities of the State, and presents features of which the large experience of the State Board must enable them to appreciate the importance. Such, for instance, are the thorough organization of the four standing committees on children, on hospitals, on adult able-bodied paupers, and on the elevation of the poor in their homes. To enable the members of these committees to become familiar with the best thought of the day on a subject of systematic charities, a library of more than a thousand volumes in various languages has been collected, thirteen practical treatises have been published by members of the association, some of whom have studied with this view charitable institutions in England and the Continent.

The reforms which the Aid Association has aided and accomplished in New York have exerted an influence in other States. "The Children's Law," the passage of which it largely aided, has led to the establishment of children's homes. "The Training School for Nurses attached to Bellevue hospital" has furnished heads for twenty other schools or hospitals and has received from voluntary contributions \$70,000. Other hospital improvements, the act concerning tramps, the tenement-home system in New York, the Sanitary Reform Society, the elevation of the poor in their homes, the improvement of county poor-houses and infirmaries, especially of the pauper insane, the collection of papers, magazines and books for seventy-four different institutions, are among the results of the Aid Association which have given it so strong a hold on the regard and confidence of the people.

The last of these resolutions of the State Board declared "that it is incumbent upon this Board to place itself upon record in opposition to the proposed bill enlarging the authority of the State Charities Aid Association, as one calculated to imperil the efficiency of this Board, and to bring into discredit the valuable system of visitation organized and administered under it."

Here, again, a grave official statement of the Board would seem to have been drawn by one who knew nothing of the former relations between the two bodies, and how it could have been acquiesced in by the older members of the Board is a thing not easy to understand. Is it or is it not a fact that the State Board, now in its fourteenth year, had no visiting committees till they were furnished by the Aid Association, under the law obtained by that Association in 1873, looking to the harmonious co-operation of the two bodies, which lasted till it was interrupted by the new rule of the State Board in 1880? And now, when the Aid Association, temporarily deprived by that policy of the legal right to visit, asks that its visitors be authorized by the judiciary, is it quite fair for the State Board to oppose the bill on the ground that the Aid Association, which it describes as a private self-perpetuating irresponsible body, will bring into discredit the

valuable system of visitation organized and administered under that State Board, when that system was in fact the work of the Aid Association, organized by its managers, legalized on its application and administered by its own visitors?

MRS. LOWELL'S OPPOSITION.

There is one other argument against the bill which has been presented to the public on behalf of the State Board by your esteemed and accomplished associate, Mrs. Josephine Shaw Lowell, whose contributions to its annual report for 1880 add so materially to its value. Mrs. Lowell, in a note to the Evening Post of April seventh, referred to the statutory power of visitation conferred upon the State Board, which it regards as ample provision for the official inspection of charitable institutions, for which reason it opposes the bill granting to the Aid Association a legal right of visitation "as unnecessary, and therefore objectionable."

Then there comes this closing paragraph :

"No one who understands the great good done by the State Charities Aid Association in the past, by its volunteer visitation of county institutions, can for a moment desire that its work should be interfered with. Let the official work of inspection continue in the hands of the State Board of Charities as heretofore, and let the State Charities Aid Association maintain its character of an independent, vigilant and active volunteer society."

In the view thus presented on behalf of the State Board of what is desirable, I am inclined to think that the Aid Association would entirely agree—that is, that the official work of inspection of all charitable institutions "except such as have a board of managers appointed by the State," with power to send for persons and papers, and to administer oaths, continue in the hands of the State Board as heretofore, and that the work of volunteer visitation of county institutions, by which the Aid Association has accomplished so great good in the past, shall not be interfered with.

This is a direct and clear proposition, and leaves the only question to be decided one of fact, whether, for the continuance of its olden work of "volunteer visitation of county institutions," the importance of which is so frankly conceded, "a legal right of visitation" is or is not necessary.

How there can be two opinions upon this point is not apparent, when we remember that it was the exclusion of the visitors of the Aid Association from the West Chester poor-house which formed the groundwork of their application to the legislature to confer the power of appointing visitors upon the State Board. The reluctance of managers of public charities to recognize even the legal right of visitors was illustrated in the incident mentioned by Mrs. Lowell, in her valuable paper on the Public Charities of New York City, in the last report of the State Board, that she was compelled to appeal to the legal authorities to sustain her in the exercise of an unquestionable right against a refusing superintendent.

What chance would remain to the Aid Association of becoming able to continue the visitation of county institutions by the consent of the managers after those managers had been advised that the Legislature, at the instance of the State Board, had declined to recognize the fitness of their being secured a right of entrance.

In conclusion, let me ask, why should the State Board, which, as Mrs. Lowell's note seems to imply, clearly understands and appreciates "the great good done by the Charities Aid Association," wish to deprive it of the power to visit when that power can be conferred in a manner which will subject the State Board to no responsibility, nor lessen in any way its official powers?

REGARD FOR THE STATE BOARD.

The State Board of Charities is an institution deservedly held in very high esteem. In the successful prosecution of its important duties the people of the State are profoundly

interested, and the position which it has assumed in this matter toward the Aid Association has naturally carried the high weight of official authority. But if the Board, from any misconception of the facts or error in judgment, shall have been placed in a false position, it will have to encounter the criticisms of those intelligent and influential classes in the community which stand firmly by the Aid Association and insist that official supervision of the State charities shall not exclude the public gaze through visitors appointed by the judiciary.

Let us hope that the friends of these two institutions, which are engaged in a common cause, and which for eight years acted in harmony and with such magnificent results, will assist to compose this regrettable difference by the passage of a bill affording all proper facilities for the double work, with no diminution of the dignity and power of the one nor of the independence and rights of the other.

I have the honor to be Madam, with great respect,

Faithfully yours,

JOHN JAY.

NO. 5 WASHINGTON PLACE, NEW YORK, *May 6, 1881.*

